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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,188	03/19/2001	Tomoshi Hirayama	204947US6	6951
22850	7590	03/10/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2155	PAPER NUMBER
DATE MAILED: 03/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/810,188	Applicant(s) HIRAYAMA, TOMOSHI	
	Examiner Benjamin R. Bruckart	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **Detailed Action**

#### **Status of Claims:**

Claims 1, 3-5, 30-34 are pending in this Office Action.

Claims 1 and 4 are amended.

Claim 11 is cancelled.

The 35 U.S.C. 101 is withdrawn in light of applicant's arguments.

The nonstatutory double patenting rejection is withdrawn in light of applicant's amendments.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 1/4/06, have been fully considered but they are not persuasive. The reasons are set forth below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4 recites the limitation "stored user preferences" in the last limitation of the independent claims. There is insufficient antecedent basis for this limitation in the claim. Does applicant mean profile parameters? Preferences is not used prior to the last line of the claim.

### **Applicant's invention as claimed:**

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**Claim 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,331,865 by Sachs et al in view of U.S. Patent No 6,686,880 by Marko et al.**

Regarding claim 1,

The Sachs reference teaches: an information processing apparatus connected by a network to a first information processing apparatus for presenting a content (Sachs: col. 2, lines 44-46; Fig. 1) comprising: [virtual bookstores; bookshelves; portable electronic books]

an acquisition means for acquiring information on said first information processing apparatus (Sachs: col. 5, line 49-58; col. 3, lines 16-21 [information services system and the information is the accounts of the books]) and information on a content presented by said first information processing apparatus from said first information processing apparatus (Sachs: col. 4, lines 47-57; col. 5, line 49-58 [digital contents requested and owned by the book/user]);

a generation means for generating information processing apparatus identification information for identifying said first information processing apparatus (Sachs: col. 4, lines 30-33; secret session key) and generating content identification information for identifying a content on the basis of said information on said first information processing apparatus and said information on a content (Sachs: col. 4, lines 51-57; digital envelope), which are acquired by said acquisition means; [generates the session keys and includes the content key with the session key in the digital envelope]

a storage means for storing said information processing apparatus identification information and said content identification information (Sachs: col. 3, line 63- col. 4, line 7; col. 4, lines 58-65), which are generated by said generation means, by associating said information processing apparatus identification information with said content identification information (Sachs: col. 4, lines 58-65); and [authentication and registration servers with a databases to store the session and content keys that are associated with central bookshelf and bookstore]

a transmission means for transmitting information on association stored in said storage means to a second information processing apparatus in response to a request

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made by said second information processing apparatus through said network (Sachs: col. 4, lines 58-67); [second apparatus is the portable electronic book]

said storage means further stores said identification information (transmission identification information) by associating said identification information (transmission identification information) with said information processing apparatus identification information and said content identification information (Sachs: col. 4, line 55, 51-63). [server stores the secret session and content keys that are associated with a URL and stored at the central bookshelf]

a privacy-guarding means for storing a user profile corresponding to the receiving device (Sachs: col. 3, lines 3-30; portable book; lines 63- col. 4, line 8) and determining at least one of a plurality of user specified parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information (Sachs: col. 8, lines 36-44; col. 9, lines 31-54), the content identification information received by the receiver (Sachs: col. 4, line 40-41) and stored user preferences. [profile=bookshelf, parameters=primary bookstore/other bookstores].

The Sachs reference does not explicitly state broadcasting.

However the Marko reference teaches information disseminated by broadcasting, acquiring broadcasting identification information (transmission identification information) assigned to said broadcasting (Marko: col. 4, lines 61- col. 5, line 13); and

said storage means further stores said broadcasting identification information (transmission identification information) by associating said broadcasting identification information (transmission identification information) with said information processing apparatus identification information and said content identification information (Marko: col. 5, lines 10-13); and

a receiver configured to receive the information processing apparatus identification information via broadcast (Marko: col. 4, lines 30-51; col. 5, lines 64-col. 6, line 4).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Sachs while employing

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broadcasting as taught by Marko in order to utilize cost effective broadcasts with Identifiers (Marko: col. 6, lines 17-36).

Regarding claim 3, The Sachs reference teaches the limitations of claim 1 above. Sachs teaches: an information processing apparatus according to claim 1, wherein said storage means further stores the address of said first information processing apparatus in said network (Sachs: col. 4, lines 47-50; col. 5, line 49-58; URL); and

said apparatus further comprises an access controlling means for controlling accesses made to said first information processing apparatus through said network on the basis of any one of said information processing apparatus identification information, said content identification information and said broadcasting identification information (transmission identification information), which have been acquired from a third information processing apparatus (Sachs: col. 3, lines 63- col. 4, line 8).

**Claim 4-5, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,331,865 by Sachs et al in view of U.S. Patent No 6,686,880 by Marko et al in further view of U.S. Patent No. 5,634,012 by Stefick et al.**

Regarding claim 4, the Sachs reference teaches: an information processing apparatus connected by a network to a first information processing apparatus for presenting a content (Sachs: col. 2, lines 44-46; Fig. 1) comprising:

an acquisition means for acquiring information on said first information processing apparatus (Sachs: col. 4, lines 47-50; col. 5, line 49-58; URL) and information on a content presented by said first information processing apparatus from said first information processing apparatus (Sachs: col. 4, lines 47-50; col. 5, line 49-58; content key);

a generation means for generating information processing apparatus identification information for identifying said first information processing apparatus (Sachs: col. 4, lines 30-33; secret session key) and generating content identification information for identifying a content on the basis of said information on said first information processing

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apparatus and said information on a content (Sachs: col. 4, lines 51-57; digital envelope), which are acquired by said acquisition means;

a storage means for storing said information processing apparatus identification information and said content identification information (Sachs: col. 3, line 63- col. 4, line 7; col. 4, lines 58-65), which are generated by said generation means, by associating said information processing apparatus identification information with said content identification information (Sachs: col. 4, lines 58-65); and

a transmission means for transmitting information on association stored in said storage means to a second information processing apparatus in response to a request made by said second information processing apparatus through said network (Sachs: col. 4, lines 58-67);

a privacy-guarding means for storing a user profile corresponding to the receiving device (Sachs: col. 3, lines 3-30; portable book; lines 63- col. 4, line 8) and determining at least one of a plurality of user specified parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information (Sachs: col. 8, lines 36-44; col. 9, lines 31-54), the content identification information received by the receiver (Sachs: col. 4, line 40-41) and stored user preferences. [profile=bookshelf, parameters=primary bookstore/other bookstores].

The Sachs reference fails to teach a receiver that receives information via broadcast.

The Marko reference teaches a receiver configured to receive the information processing apparatus identification information via broadcast (Marko: col. 4, lines 30-51; col. 5, lines 64-col. 6, line 4).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Sachs while employing broadcasting to receivers as taught by Marko in order to utilize cost effective broadcasts with identifiers (Marko: col. 6, lines 17-36).

The combination of the Sachs and Marko references fail to teach a validity-condition.

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The Stefick reference teaches:

wherein acquisition means further acquiring a validity-condition concerning validity of presentation of a content from said first information processing apparatus (Stefick: col. 7, lines 26-30); and

said storage means further stores said validity-condition by associating said validity-condition with said information processing apparatus identification information and said content identification information (Stefick: col. 9, lines 62- col. 10, line 7), wherein

said acquisition means further acquires a validity-condition concerning validity of a content from said first information processing apparatus (Stefick: col. 7, lines 26-30); and

said storage means further stores said validity-condition by associating said validity-condition with said information processing apparatus identification information and said content identification information (Stefick: col. 9, lines 62- col. 10, line 7).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the combination of Sachs and Marko to include validity conditions as taught by Stefick in order to control content distribution to prevent unauthorized distribution (Stefick: col. 1, lines 60-65).

Regarding claim 5, the Sachs reference teaches the limitations of claim 4 above and an information processing apparatus according to claim 4, wherein said validity-condition includes information on additional information added by a user receiving data including said information processing apparatus identification information and said content identification information (Sachs: col. 3, lines 31-45).

Regarding claim 30, the modified Sachs reference teaches the limitations of claim 4 above. The Sachs reference fails to teach validity-condition is a deadline for accepting responses. However the Stefick reference teaches validity-condition is a deadline for accepting a response (Stefick: col. 2, lines 1-3; col. 10, lines 54-56, 58-60). It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the



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combination of Sachs and Marko to include validity conditions as taught by Stefick in order to control content distribution to prevent unauthorized distribution (Stefick: col. 1, lines 60-65).

**Claim 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,331,865 by Sachs et al in view of U.S. Patent No 6,686,880 by Marko et al in further view of U.S. Patent No. 5,634,012 by Stefick et al in further view of U.S. Patent No 6,704,787 by Umbreit.**

Regarding claim 31, the Sachs references teach the information processing apparatus of claim 4. The Sachs reference fails to teach an age restriction.

The Umbreit reference teaches a validity-condition is an age restriction (Umbreit: col. 2, lines 29; col. 3, lines 10-29).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Sachs, Marko, and Stefick to include age restrictions as taught by Umbreit in order to restrict discussions and information to only certain persons or groups of people (Umbreit: col. 1, lines 64-67).

Regarding claim 32, the Sachs reference teaches the information processing apparatus of claim 4. The Sachs reference fails to teach the validation condition is an adult category. However the Umbreit reference teaches a validation condition is an adult category (Umbreit: col. 5, lines 40-59). It would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Sachs, Marko, and Stefick to include age restrictions as taught by Umbreit in order to restrict discussions and information to only certain persons or groups of people (Umbreit: col. 1, lines 64-67).

Regarding claim 33, the Sachs reference teaches the information processing apparatus of claim 4. The Sachs reference fails to teach a validity condition is a registered person. However the Umbreit reference teaches a validity condition is a registered person (Sachs: col. 3, lines 54- col. 4, line 11; Umbreit: col. 2, lines 14-23). It would have been obvious

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at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Sachs, Marko, and Stefick to include age restrictions as taught by Umbreit in order to restrict discussions and information to only certain persons or groups of people (Umbreit: col. 1, lines 64-67).

Regarding claim 34, The Sachs reference teaches the information processing apparatus of claim 4. The Sachs reference fails to teach a validity condition is an area restriction. However, the Umbreit reference teaches wherein said validation condition is an area restriction (Umbreit: col. 2, lines 21-35). It would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Sachs, Marko, and Stefick to include age restrictions as taught by Umbreit in order to restrict discussions and information to only certain persons or groups of people (Umbreit: col. 1, lines 64-67).

### **REMARKS**

Applicant amended claims 1 and 4 to include language directed to a receiver and a privacy guarding means

#### **The Applicant Argues:**

The Sachs, Marko, Stefick, and Umbreit references do not teach the newly claimed features.

**In response**, the examiner respectfully submits:

The Sachs and Marko references do teach the claimed limitations. Applicant erroneously argues the newly added amendment features with regard to a receiver and a privacy guarding means are not taught.

The Marko reference is relied upon for teaching the limitation of broadcast as well as other limitations. Marko explicitly teaches receivers in Figure 1 and col. 4, lines 30-42 where each of the devices has antenna or other devices to receive the broadcasted data. Further Marko teaches the data broadcasted is formatted with information to identify the receiver of the message (col. 5, lines 64- col. 6, line 4) and the receivers can determine if the message was meant for them (col. 4, lines 61-66).

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The Sachs reference does teach privacy-guarding means through the user of the registration and authentication servers (col. 3, lines 3-16). The user profile is associated with the active account in the system linking each book with a primary virtual bookstore. The receiver is the device receiving the broadcast, interpreted to be the portable electronic book. Sachs teaches the parameters as primary or secondary bookstores. The bookstores have a predefined relationship with users with similar content needs. Other parameters are the user defining his/her own notice board and document delivery address and the uploading of bookmarks, inking, highlighting and underlining to be stored in the centralized bookshelf.

The applicant argues an unclaimed feature by stating on page 9 of the arguments, 'the user responds...' and information that is authorized by the user to be sent to the server. Those features are not present in the claims, the user does not respond, authorized isn't used and how is it based on the received identification information?

The examiner finds the claim language difficult to read and understand with the broad diction and vague descriptions of the items. Applicant is requested to define the information and means for performing the tasks. What is the information? How is it generated? Where is it stored? How is it associated? How is it transmitted? How is it acquired? Are some of the several questions left unanswered in the claim limitations.

### **Prior Art**

U.S. Patent No. 6,249,810 by Kiraly teaches an internet radio system for with a chain casting manager for listings of broadcast stations.

U.S. Patent No. 6,807,558 by Hassett et al teaches a broadcasting/streaming source and profile implemented categorical system for users.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

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*brb*

  
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SUPERVISORY PATENT EXAMINER